



BOX PATENT
Attorney Docket No.: 24876-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3-28-03
#1

In re Application of:

Benjamin GEBHART

Serial No.: 10/087,242

Group Art Unit: 3743

Filing Date: March 6, 2002

Examiner: John K. Ford

Title: NUCLEATE BOILING SURFACES FOR COOLING AND GAS GENERATION

RESPONSE TO RESTRICTION REQUIREMENT

RECEIVED

Commissioner for Patents
Washington, D.C. 20231

MAR 27 2003

Sir:

TECHNOLOGY CENTER R3700

This is in response to the Official Action dated January 21, 2003. The one month shortened statutory period for response was set to expire on February 21, 2003. A one month Petition for Extension of Time and fee are attached hereto, extending the period for reply to March 21, 2003.

SUMMARY OF RESTRICTION REQUIREMENT

Inventive Groups. The Examiner has required restriction of claims 2, 5, 8, 10-33, and 37 to one of the following Inventive Groups under 35 U.S.C. 121:

Group I: Claims 2, 5, 8, 10-16, and 37, drawn to a method of cooling a surface and cooling an electronic component, classified in class 165, subclass 47.

Group II: Claims 17-33, drawn to a heat transfer system, classified in class 165, subclass 133.

As the basis for this restriction requirement, the Official Action states the following: the inventions are distinct because

they are related to a process and an apparatus for its practice.

PROVISIONAL ELECTION

Applicants provisionally elect Group I, claims 2, 5, 8, 10-16, and 37, drawn to a method of cooling a surface and cooling an electronic component, with traverse.

TRAVERSAL

Applicants respectfully traverse the Examiner's restriction requirement.

First, the restriction requirement is traversed because it omits "an appropriate explanation" as to the existence of a "serious burden" if a restriction were not required. See MPEP 803. Regardless of any differences which may exist between the inventive groups set forth in the claims of Groups I-II, a complete and thorough search for the invention set forth in one Group would require searching the art areas appropriate to the other Group. The Groups are directed to a heat transfer system and the use of said heat transfer system in a method for cooling a surface. As the Examiner concedes, all of the Groups fall under class 165. Since a search of each of the inventions of Groups I and II would be coextensive, it would not be a serious burden upon the Examiner to examine all of the claims in this application.

Further, applicants have paid a filing fee for an examination of all the claims in this application. If the Examiner refuses to examine the claims paid for when filing this application and

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persists in requiring applicants to file divisional applications for each of the groups of claims, the Examiner would essentially be forcing applicants to pay duplicative fees for the non-elected or withdrawn claims, inasmuch as the original filing fees for the claims (which would be later prosecuted in divisional applications) are not refundable.

In view of the foregoing, applicants respectfully request the Examiner to reconsider and withdraw the restriction requirement, and to examine all of the claims pending in this application.

If the Examiner has any questions or comments regarding this matter, he is welcomed to contact the undersigned attorney at the below-listed number and address.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: March 21, 2003

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